

Application No. 10/075,404

Response to Notice and Corrected Amendment and Reply dated September 25, 2006

In Response to Notice of Non-Compliant Amendment Dated September 1, 2006

**REMARKS**

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**INTRODUCTION**

Continued examination and favorable reconsideration are respectfully requested.

Applicants gratefully appreciate the courtesies extended to Applicants' undersigned representative during the telephone interview of April 28, 2006. Applicants gratefully acknowledge the indication in the Interview Summary of the April 28, 2006, interview, that "...if the word -- constant-- is inserted before "run field" in claims 23 and 24, then all of the claims would be allowed." Applicants hereby make that proposed amendment. Accordingly, Applicants look forward to receiving an indication that all claims are allowed.

Claims 23-40 are pending in the application. The Office dated May 4, 2006, rejected claims 30-32 under 35 U.S.C. §112, second paragraph as being allegedly indefinite. The Office Action rejected claims 24 and 33-37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,296,116 to Guttman (Guttman). The Office Action rejected claims 23 and 25-29 under 35 U.S.C. §103(a) as being allegedly obvious over Guttman in view of U.S. Patent No. 5,164,055 to Dubrow (Dubrow). The Office Action rejected claims 30-32 under 35 U.S.C. §103(a) as being allegedly obvious over Guttman in view of the publication "Capillary Zone Electrophoretic Separation of Peptides and Proteins Using Low pH Buffers in Modified Silica Capillaries," Anal. Chem. 1988, 60, 2322-2328 (McCormick). The Office Action rejected claims 39 and 40 under 35 U.S.C. §103(a) as being allegedly obvious over Guttman in view of Dubrow and further in view of McCormick. Applicants have duly considered the Office Action and have amended the claims. The application is in condition for allowance. Reconsideration and prompt issuance of a notice of allowance are respectfully requested.

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**Rejection of Claims 30-32 Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejected claim 30, and claims 31 and 32 depending from claim 30, under 35 U.S.C. §112, second paragraph, as being allegedly indefinite due to the lack of antecedent basis for the recited "electric ramp." Applicants have amended claim 30 to clarify that peak broadening is reduced using the recited ramp rate compared to "when the run field is established not using a ramp rate," and therefore eliminate the recitation of an "electric ramp." A similar change has been made to claim 38. The rejection of claims 30-32 under 35 U.S.C. §112, second paragraph is overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

**Rejection of Claims 24 and 33-37 Under U.S.C. §102(b) as Being Anticipated by Guttman**

The Office Action rejected claims 24 and 33-37 under 35 U.S.C. §102(b) as being allegedly anticipated by Guttman. The Office Action at page 3, paragraph 5, conceded that in "Guttman the ramp rate is the same as the run field; that is, 0.33V/cm-s." Claim 24 now recites, among other things, a "constant run field." Guttman fails to disclose or suggest a capillary electrophoresis method as recited in claim 24, including establishing a "constant run field." Lacking at least this feature of claim 24, claim 24 distinguishes over Guttman and the rejection of that claim is overcome. Reconsideration is respectfully requested.

Claims 33-37 distinguish over Guttman for at least the same reasons that claim 24 does, from which they depend, and because of the further features recited therein. Claim 33, for example, recites that the "run field ranges from about 50 V/cm to about 3,000 V/cm," a constant run field range Guttman fails to disclose or suggest. Lacking these and other features as claimed, claims 33-

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37 distinguish over Guttman, and the rejection of those claims is overcome. Reconsideration is respectfully requested.

**Rejection of Claims 23 and 25-29 under 35 U.S.C. §103(a) as Being Unpatentable Over Guttman in View of Dubrow**

The Office Action rejected claims 23 and 25-29 under 35 U.S.C. §103(a) as being allegedly obvious over Guttman in view of Dubrow. The Office Action at page 5, paragraph 9, concedes that in "Guttman the ramp rate is the same as the run field; that is, 0.33V/cm-s." The Office Action cited Dubrow to cure the admitted deficiencies of Guttman, however, neither Guttman, Dubrow, nor their combination, discloses or suggests a capillary electrophoresis method as claimed in claim 24, including establishing a "constant run field." Lacking at least this feature of claim 23, claim 23 distinguishes over Guttman in view of Dubrow, and the rejection is overcome. Reconsideration is respectfully requested.

Claims 25-29 distinguish over Guttman in view of Dubrow for at least the same reasons as claim 23, from which they depend, does and because of the additional features recited therein. Claim 25, for example, recites that the "run field ranges from about 50 V/cm to about 3,000 V/cm," a constant run field range that neither Guttman, Dubrow, nor their combination, discloses or suggests. The rejection of claims 25-29 is overcome. Reconsideration is respectfully requested.

**Rejection of Claims 30-32 under 35 U.S.C. §103(a) as Being Unpatentable Over Guttman in View of McCormick**

The Office Action rejected claims 30-32 under 35 U.S.C. §103(a) as being allegedly

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obvious over Guttman in view of McCormick. The Office Action at page 6, paragraph 10 conceded that in "Guttman the ramp rate is the same as the run field; that is, 0.33V/cm-s." The Office Action further conceded that "Guttman does not mention to what extent peak broaden(ing) is reduced compared to that found when an electric ramp is not used." Claims 30-32 depend directly or indirectly from claim 23 which is allowable for the reasons set forth above. Claims 30-32 distinguish over Guttman in view of McCormick for at least the same reasons as claim 23, from which they depend, does and because of the further features recited therein. The rejection of claims 30-32 is overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

**Rejection of Claims 39 and 40 Under 35 U.S.C. §103(a) as Being Unpatentable Over Guttman in View of Dubrow in Further View of McCormick**

The Office Action rejected claims 39 and 40 under 35 U.S.C. §103(a) as being allegedly obvious over Guttman in view of Dubrow, and further in view of McCormick. Claims 39 and 40 depend ultimately from claim 24, which is allowable for the reasons set forth above. Claims 39 and 40 distinguish over Guttman in view of Dubrow and further in view of McCormick, for at least the same reasons as claim 24, from which they depend, does and because of the further features recited therein. The rejection of claims 39 and 40 is overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

**CONCLUSION**

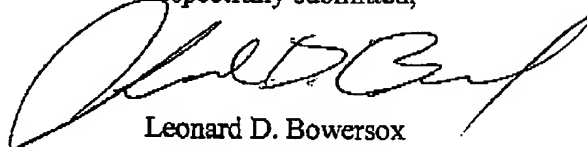
In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

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Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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